IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18080 of 2004

Between:

1 Mrs. Habibunnisa Begu, W/o. Late Md. Sirajuddin Khan,
R/o. H.No. 141, SRT, Chandulala Baradari, Hyderabad.
2 Mrs. Jameelunnisa Begum, W/o. Late Syed Rasheeduddin Khan,

&D/o.Late Sirajuddin Khan,R/o. H.No. 141, SRT, Chandulala Baradari,

Hyderabad.
3 Mrs. Kamalunnisa Begum, W/o. Md.Mustafa, D/o. Late Sirajuddin Khan,
R/o. H.No. 141, SRT, Chandulala Baradari, Hyderabad.
4 Mrs. Ishrathunnisa Begu, D/oZainul Abedin&Ashrafunnisa Begu,
(D/o Nb.Md. Wazeeruddin Khan) R/o. H.No. 141, SRT, Chandulala

Baradari, Hyderabad.
5 Modh. Aliuddin Khan, S/o. Mohd. Azeemuddin Khan and Asifunnisa

Bugum (Daughter of Nb.Mohd. Wazeeruddin Khan) R/o. H.No. 141, SRT,

Chandulala Baradari,Hyderabad.
6 Mohammed Ameeruddin, S/o. Late Mohd. Sirajuddin Khan,
R/o. H.No. 141, SRT, Chandulala Baradari, Hyderabad.
7 Mohammed Ameeruddin Khan, S/o. Late Mohd. Sirajuddin Khan,
R/o. H.No. 141, SRT, Chandulala Baradari, Hyderabad.
8 Mohammed Faizuddin Khan, S/o. Late Mohd. Sirajuddin Khan,
R/o. H.No. 141, SRT, Chandulala Baradari, Hyderabad.
9 Mohd. Chand Pasha, S/o. Zainullahbiddin,
R/o. H.No. 141, SRT, Chandulala Baradari, Hyderabad.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Represented by its Principal Secretary,
(Revenue), Secretariat, Hyderabad.

2 The Chief Commissioner and Administration (Court of Wards), (Commissioner Survey, Settlements and Land Records),
Government of Andhra Pradesh, Nampally, Hyderabad.
3 The Special Chief Secretary and Chief Commissioner of

Land Administration, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in issuing the impugned order dated 13-02-2003 rejecting the implead petition of the petitioners and there by disposing off the appeal No. 3S/825/JA3/97 on the file of the 1st respondent herein is wholly illegal and violative of principles of natural justice and pass

Counsel for the Petitioner: MR.A.ANANDA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

The property, which was in the custody of the Court of Wards, was released, in favour of Iqbalunnisa Begum, in the light of the compromise decree passed in C.C.A.No.185 of 1975, dated 20-12-1976. Aggrieved by the said order, some of the claimants, claiming right in the said property, filed W.P.No.3598 of 1997, which was disposed of by this Court on 25.02.1997, permitting the petitioners therein to prefer an appeal before the Government, within a period of one month, and that the Government shall entertain the said appeal without reference to the question of limitation. Subsequently, Iqbalunnisa Begum and others preferred an appeal in

W.A.No.714 of 1997. Through its order, dated 30.07.1997, a Division Bench of this Court modified the order of the learned single Judge to the extent that the writ appellants shall raise the question of appeal being barred by limitation, before the Appellate Authority. Thereafter, the appeal No. 3S/825/JA3/97, was filed before the 1st respondent-Government. When the said appeal was pending, the petitioners filed W.P.No.7556 of 2000, which was disposed of by this Court directing the 1st respondent to consider and dispose of the appeal pending on its file, on merits, within three months from the date of receipt of that order, duly issuing notice to the affected parties. In the light of the above direction, by the impugned order, dated 13.02.2003, the 1st respondent disposed of the appeal accepting the proposal of the Special Chief Secretary and Chief Commissioner of Land Administration, Hyderabad, to withdraw the superintendence of the Court of Wards over the person and the property of Vicar Jung Estate and to release the landed property of the Estate in favour of Smt. Iqbalunnissa Begum, as per the compromise decree, dated 20.12.1976, in C.C.C.A.No.185 of 1997. Challenging the said order, the present writ petition is filed. On disposal of the W.P., petitioners filed application for their impleding in the appeal and the same was rejected as not feasible of compliance.

Inasmuch as the party, in whose favour, the property was ordered to be released, has not been impleaded, no relief, as such, can be granted to the petitioners, in exercise of the powers under Article 226 of the Constitution of India. However, if the petitioners feel that they have right in the said property, they are at liberty to approach the Competent Civil Court to establish their rights and for setting aside the compromise decree passed in C.C.C.A.No.185 of 1997, to which they are not parties.

The writ petition is accordingly dismissed. No order as to costs.

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06-10-2004

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To

1 The Prl.Secretary, Government of Andhra Pradesh, (Revenue), Secretariat,

Hyderabad.
2 The Chief Commissioner and Administration (Court of Wards),

(Commissioner Survey, Settlements and Land Records),
Government of Andhra Pradesh, Nampally, Hyderabad.
3 The Special Chief Secretary and Chief Commissioner of Land Administration,

Hyderabad.

4 2CCs to G.P. for Revenue, High Court buildings, Hyderabad.(OUT).

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